P.J. 24-98

G. R. S. IX-5]

Previous references. (1882-83)

191 .

(L.R)

File No. 37-82.

Serial Nos. 1-5

Later references.

LR 112-97

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-5

In ~~Part~~ B for October 1883

SUBJECT.

Dispute of Lakshmannaik for the Patelki office of Ibbidos village, Belur Taluk —

Indexed.

W D 1250—GPB—30,000 28-1-19

LR 37-82-1

(Gener Serial No. 32.)

1882/83

No. 1305
154

Name of Petitioner. Veeraya Gowda

Village. Patel of Abbidoo

Taluk. Abbidoo

District. Belur

Date of Arzi. × Hassan

Date of Receipt. July/82

Date of Disposal. 25/7/82

No. of Enclosures. Two.

From Dy Comr of Hassan Rec 24/5/82 No 1/82

ABSTRACT.

Submits a petition in English appealing against decision of the Dy Comr of Hassan appointing his defendt Lukshmana Naik to the Patel Office of Abbidoo village in the Belur Taluk

one rupee Stamp

No. 383

16-8-82

To. Dy Comr for report. The periods for which the Patel Office has been held by the Petr and his opponent ~~the Defendants~~ should be clearly stated, as the bare fact, tenure on which the Petrs opponent held the village in former times is not a sufficient ground for dispossessing the Petr of an Office which he has held for several years. Information will be also useful as to what ~~class~~ caste the great body of the people in the village belong 10/8 and what is the status of the Petr & his opponent in the village. CG

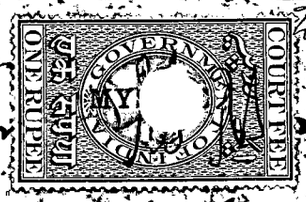
11/8.

Drafted

To see
7.1

Civil Suit 1305

Dy No. 154



To

C. Ranga Charlu Esqure C. I. E.

Diwan to His Highness

the Maharajah of Mysore

Appellant

Vire Gouda

Patel of Ibbidu

Belur Taluq

Respondent

Lakshmana Naik

of Ibbidu

Original Suit Regular Revenue

No. 1 of 1881-82 and Review thereon

in the Dy Commrs Court Hassan dated

Appeal against the original decree

in which the appellant's right to the Patel

was entirely ignored without even

his claim as to the long enjoyment of the

office. Nothing is said of the appellant's

statement though he was discharging the

duties up to date for the last two centuries

and the Respondent having been dispossess-

-ed by his own statement for the last

16 years as was decided by Col. Hill on

the Respondent's complaint in 1879 to get

the remuneration due since the date of the

settlement of the amount in Belur Taluq

to which he was negatived but the Dy Comr

has set aside his predecessor's order

without any reason and approval of higher

authorities creating unjustly a right to the

Respondent which was forfeited. However

the Respondent slept over if he had any

right at all on the pretext that his name

is included in the Barbaloste Registers when

he brought a claim for his nominal right

the Dy Commr without any enquiry

whatever as to how and when he got his

name inserted with that of Appellant's

as none of the Hereditary registers of

1860 and of oldest date contain Respondent

name passed the same to be correct.

The following are refutations of the points enumerated in the Decree of 1 of 1881-82 of the Lower Court's Judgment

1 The contradictory reason that the village was once for generations past on Umbli tenure, and rent the Revenue was treated as Umbli.

2 The Respondents name was inserted with that of the appellant in Revenue Register.

As to the 1st taking it granted that Umbli was enjoyed by certain ancestors it cannot constitute any right long afterwards it was merged to Govt.

As to the 2nd the Respondents own statement that he did not perform the duties the last 18 years and Col. Hill's orders are sufficient proofs themselves but although the Respondents name is associated along with that of Appellant it will not tend to affect the appellant's just and undisturbed enjoyment of his right.

The Dy Commr on the above despicable grounds having confirmed the Respondent to the exclusion of the Appellant in the Patels Hack the appeal is preferred in view to obtain a just and lawful decision at your merciful hands.

I beg to remain
Most Honored Sr.
Your most obedient Servant

Bangalore
July 1882

Copies of Judgment & Decree together with appeal Memo are submitted herewith for kind perusal & Orders

(General Serial No. 29.)

1882 6969

From The Dy Commissioner Hassan district

To The Secretary to the ~~Chief Commissioner~~ Dewan of Mysore, Revenue Department.

Dated 18th December

Despatched

Received

LR 37-82

Enclosures No. 4

General No. 2485 } 1882-83.
No. 777

In reply to his docket No. 383 of the 12th August last, begs to forward herewith a memo explaining all the points of enquiry and returns the enclosures.

H Belmont
Dep Commissioner
Hassan district.

Rob. Rice 21/12/82

Memorandum in connection with the petition addressed to the Dewan by Veeré Gavada complaining of his removal from the Office of Potail of Ibbede village in the Belur Taluk

The Judgment passed by the Deputy Commissioner in Revenue original Suit No. 1 of 1881-82 and the order on review passed by that Officer on the 31st March 1882 explain the circumstances of the case.

With reference to the points raised in the Secretary's docket No. 383 dated the 16th August last, the Amildar's report is to the following effect.

1. There are no records forthcoming in the Taluk to shew definitely for what periods the Petitioner and his opponent Lakshamana Naik respectively held the Potali Office, but Ramiah Late Shanbogue of the village states that the Petitioner alone looked after the collection &c., and that his opponent has been performing the duties of the Office for the last 2 years, i.e since he

2. The Amildar states that the Petitioner is a Lingayet, while his opponent is a Gangadikar Vokkaligar, and that the population of the village consists of the following classes.

	No.
Lingayets	143.
Gangadikar Vokkaligars	118.
Musalmans	3.
Coppars	8.
Dhobies	4
Holiars	25
Panchal	2
Byadars	1
Latani	2

3. According to the list submitted by the Amildar, the holdings &c. of the Petitioner and his opponent are as follows.

Veerégavada Petitioner — 2 Tiled houses - valued at Rs. 220.
1 Thatched cattle shed — 3 —
31 Cattle — —
Lands assessed at Rs. 74-4-0.

Lakshmana Naik - 1 Tiled house — Value Rs. 100 —
14 Cattle.
Lands assessed at Rs. 35-2-0

The Shanbogue (Rainiah) referred to above, has given a deposition before the Amildar dated the 10th March 1881 in connection with the suit filed by Lakshmana Naik, in which he has stated that the Petitioner & his opponent jointly performed the duties of the Potéli Office for about 8 years, since the year "Krodhi" after the expiry of that period the Petitioner alone looked after the work till the year "Sreemookha," when he (Shanbogue) resigned his appointment, that when he was again Shanbogue in "Bahoodhanya" and "Pramadi" the Petitioner discharged the duties of potéli; and that although the names of both the parties are to be found in the "Barabalooti" Register, Lakshmana Naik did not for a time perform the work through misunderstanding between him and his opponent. He added that the Petitioner's father Dubbabasavé Gavada was formerly performing the duties of the Office, but that none of Lakshmana Naik's people discharged the work at the time

obtained a decree in his favour. Lakshmana Naik alleges that he and the Petitioner Conjointly discharged the duties of the Office Continuously for 40 years, and in support of his allegation he has produced 14 papers purporting to be receipts &c= issued prior to the year "Khara" —. The petitioner states that he alone was looking after the work, while his opponent never performed the duties, and he has produced 52 papers which are as follows;—.

Receipts relating to the year Roothirodgari — 3
do do — Raktakshi — 7
lists of collections relating to the years from 1858 to 1881 . . . . . — 17
Registers of births and deaths relating to 1877-78 and 1879 . . . . . — 2
Takeeds issued by Sheikdars, Police authorities and the Amildar, relating to the years 1863, 1865, 1870, 1871, 1873, 1874, 1876, 1877 and 1880 . . . . . — 21
Register of births and deaths relating to the year 1880 . . . . . — 1
Copy of an order issued to the Amildar in Jan.y 1880 Confirming the Petitioner as sole Potail of the village . . . . . — 1
52

The Amildar adds that the petitioner and his opponent are influential among their respective classes, and that the former is richer than the latter.

Remarks by the Asst. Comr.

I know both are influential and Command respect and influence. Lakshmana Naik is perhaps the better of the two, and it is impossible to say that it was Veerégavada alone that did the duties of the Potéli.

Signed P. N. Krishna Murthi
Asst Commissioner

Hassan
16-12-82 }.

"Copy"

for Asst Commissioner.
Hassan District.

The Amildar adds that the petitioner and his opponent are influential among their respective classes and that the former is richer than the latter.

Remarks by the Dep. Comr.

I know both are influential and command respect and influence. Lakshmana Naik is perhaps the better of the two, and it is impossible to say that it was Veerégavada alone that did the duties of the Potéli.

Signed P. N. Krishna Murthi
Dep Commissioner

Hassan
16-12-82 3.

"Copy"

for Dep Commissioner
Hassan District.

9

(General Serial No. 30.)

188 (3)

LR 37-82-3

From

The Secretary to the Dewan
of Mysore.

To

The Asstt Comm^r in charge
of the Hassan Subdn

Dated 1st April/83

Despatched

Received

Enclosures No.

General No. 173

No. 7

Docket no 2485/777 of
the 18th December 1882
from the Dy. Comr of the
(late) Hassan Distt, in
regard to the Appeal
presented to this Office
by Veeray Gowda, late
Patel of Ibbidu in the
Belur Taluk

Requests that the
Entire records in the
Regular Rev. Suit no 1 of
on the file of the Hassan Dy. Comr's Court
1881-82, and in the
Review Case connected therewith may
be forwarded, together
with the Proceedings of
enquiry said to have been
held by Colt Hill in 1879.

Secrt

(General Serial No. 29.) 4 942

188 3. 87

From The Asst Commissioner
Hassan Sub-Dn

To

The Secretary to the Chief Commissioner
of Mysore Rev Department.

Dated 30th April

Despatched

Received

La 37-82-4

Enclosures No. 2 bills &c

General No. 143 } 188
No. 39

In docket No 173 dated 9 Instant

I have the honor to forward the entire records in Regular Revenue Suit No 1 of 1881-82 on the file of the late Hassan Deputy Commissioner's Court together with the Proceedings of Inquiry held by Colonel Hill in 1879 as directed in the above.

I have the honor

J. Mackern

Asst Commissioner
Hassan Sub Dn

5-5-83

BS

Keep till the Secretary

(General Serial No. 31.)

188(5)

From

To

Read - Petition dy - July 1882 from Veeraj Jivraj a Lyari Patel of Ibbrow in the Kolaba Dist.

Dated

Despatched Letter No 2485 dated 6th December 1882 from the

Received Comm^r Nagpore

Enclosures No. Also Letter No 143 dated 30th April 1883 from the Revis No 37

General No. Comm^r Nagpore Range of Nagpore

No. Sub-Div^n Submitting entire records connected with the case.

Order Camp No 23 dated 23rd October 1883

The Pet^r appeals against the decree of the late Nagpur Div^l Comm^r which deprives him of the Office of Ibbrow Patil of the Kolaba Dist.

On perusal of the records connected with the case and other previous miscellaneous papers and execute the order ~~of reference & this Board of Patil's suit in the Kolaba Dist~~, it is evident that the allegation of the Pet^r Lakshman Naik that petitioner is no hereditary and that his name was registered in the Karaba-bati Register within the last Eighteen years is entirely untenable: the Enquiry held before the Assistant and the Evidence of Parties fully & clearly

Lr 32825

Camp No 23 dated Camp Nagpore 23rd October 1883.

the appellant petitioner is as much
a landholder to the Office as the
Plff Lechasseur Rink: the latter
apparently has considerable
stress upon the fact that his
ancestors had originally received
the village lease and that the
village itself was considerably
improved by them, ideas which
are supported by ancient papers
& Plaintiff in fee from suspicion
as to their genuineness as they
bear no date & no seal or signature.
Here
It is manifest sufficient Evidence
to conclude that at one time
Plffs ancestors did enjoy the
Office in question: When this
enjoyment ceased and from
what year the appellant with
Exercise sole authority as Patril
& Defendant it is not easy to decide,
tho' it is clear from
the Evidence ~~of the latter having~~ he has
discharged the duties consentinely
for about 18 years prior to the
Revenue suit ~~is insufficient~~
~~Hearing & Point not fair.~~ The
Plffs enjoyment of the Office
jointly with the Defts is also
spoken of by the witnesses but

(General Serial No. 31.)

188

From

To

II.

Dated

Despatched

Received

Enclosures No.

General No.
No.

Such enjoyment does not appear to have been consecutive nor thoroughly recognized by the authorities who invariably in the long period of 18 years appear to have issued their orders to the Pattadars Potail of Ibbedy holding him responsible for the collections & for the keeping of the Mortuary Registers &c.

There is indeed the fact that in the year Phanadi the Potail remuneration was decided between the Peppa & Oliff on the ground that he discharged the duties of the Office in that year; but this was evi-

dently a mistake on the part of the auditor in omitting to make provision for this division of Emoluments against the distinct orders of the Dyonian in the previous year when after personal Enquiry he directed that Pettit alone should be recognized as Patrik and that the remuneration should be disbursed by him & not divided between him & the Pliff. The Dyonian further appears to have found Pliff an indifferent man for the Patrik's office.

The Dewan therefore is of opinion that ~~under all the circumstances of the case~~ the appeal Pettit has the right to continue in office & which he has been deprived on no valid grounds: the Patrik Evidence is ample for Lobesha & Pettit will be this Patrik, the Pliff & his heirs being the next hereditary when the family of the latter become extinct

Though the Pliff has as we have seen the right to the office, yet the Dyan (1864) did not deprive him of it on the ground that he is able to show that his ancestors in the 108 Patriks have the Village Enquiries arrangements respecting Patriks Village Affairs did not disturb

3/

~~grounds~~ light grounds
and as the Officiator
Patil is subject to
the Village inquiry
Pltf should be recognized
as the Patil
Plff & his heirs
being registered
as Hukdars
alongwith Pltf

by
21/10/83

To,
The Assistant Commr
Nasik, with vernacular
~~proceedings~~ records.

Endorsed